

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:04CR190-1-T

UNITED STATES OF AMERICA,)	
)	
v.)	PRELIMINARY ORDER
)	OF FORFEITURE
DARRELL L. WITHERSPOON)	

In the Bill of Indictment in this case, the United States sought forfeiture of property of the defendant pursuant to 18 U.S.C. §982 as property that was proceeds of and/or was used to facilitate the crimes charged, together with any other substitute property, which would be subject to forfeiture under 21 U.S.C. §853(p), as incorporated by §982(b)(1).

Defendant entered into a plea agreement; subsequently pled guilty to Counts One, Seven, Eleven, Twelve, Fifteen, Twenty, Twenty-Four, and Twenty-Nine in the Bill of Indictment; and was adjudged guilty of the offenses charged in those counts. In the plea agreement, defendant agreed to forfeit property seized during the investigation of this case, as described below.

It is therefore ORDERED:

1. Based upon defendant's plea of guilty, the United States is authorized to seize the following property belonging to defendant, and it is hereby forfeited to the United States for disposition according to law, subject to the provisions of 21 U.S.C. §853(n):

A. One 1998 Jeep Cherokee, N.C. license plate #RVM1686, purchased by defendant on or about March 24, 2003, and registered in the name of Edwina Russell; and,

B. The following personal property seized from defendant's residence:

1. Pioneer-Elite 50" Plasma TV
2. Bose Sound System w/ Accessories

3. Pioneer Widescreen Pro 610 HDTV
4. Sony Trinitron 27" TV
5. Panasonic 20" TV/VCR
6. Pioneer-Elite 42" Plasma TV (7114 The Greens)
7. Bose Sound System w/ Accessories (7114 The Greens)
8. Pecan/Walnut Oval Mirror
9. Red Oak Pedestal Table w/ Chairs
10. Weathered Pine Armoire
11. Weathered King Bed Set
12. 1 Pair of Burgundy Beaded Candle Holders
13. 1 Pair of UMC Table Lamps
14. Classic Vintage Leather Sofa
15. Birch Loft Bed w/ Accessories
16. Birch Armoire Entertainment Center
17. Birch Dresser w/ Mirror
18. Classic Vintage Leather Recliner
19. Pecan Cocktail Table w/ 2 End Tables
20. Cherry Dining Table w/ Chairs
21. Cherry Hutch and Buffet
22. 3 Piece Camel Leather Couch w/ Ottoman
23. Pine Trunk and End Table
24. Oak Master Bedroom Bed Set
25. Green Oriental Rug
26. Oak Master Bedroom Armoire
27. Master Bedroom Nightstand
28. \$6,000.00 United States Currency
29. Gold Chain
30. Kenneth Cole- Black Watch
31. Jacob & Co. - White Watch
32. CYMA 14K Gold Watch
33. Gold Chain w/ Circular Crossed Hands Pendant
34. 2 Large Gold Rings w/ Clear Stones
35. 2 Non-Matching Stud Earrings

2. The United States Treasury and/or other property custodian for the investigative agency is authorized to take possession and maintain custody of the above-described tangible property.

3. Upon the seizure of any property pursuant to this order, the United States shall, to the extent practicable, provide direct written notice to any persons known to have alleged an interest

in the seized property, and shall publish notice of this forfeiture as required by law.

4. Any person, other than the defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.

5. Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

Signed: October 11, 2005

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

